

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MYKEL EZRA SMITH,)	
)	
Petitioner,)	
)	
v.)	No. 1:19-cv-04950-JPH-DLP
)	
PAUL HUMPHREY, et al.)	
)	
Respondents.)	

Order Dismissing Petition for a Writ of Habeas Corpus

Petitioner Mykel Smith’s habeas corpus petition under 28 U.S.C. § 2254 failed to comply with Rule 2(c) of the Rules Governing Section 2254 Proceedings in the United States District Court (“Section 2254 Rules”). That rule requires the petitioner to “(1) specify all the grounds for relief available to the petitioner; [and] (2) state the facts supporting each ground.” *See, e.g. Adams v. Armontrout*, 897 F.2d 332, 334 (8th Cir. 1990) (holding to comply with Rule 2(c) the “facts must consist of sufficient detail to enable the court to determine, from the face of the petition alone, whether the petition merits further habeas corpus review.”). In the “statement of claim” section, Mr. Smith stated only that, “The petitioner is a non-resident alien of the United States being detained in violation of the constitution of the United States and laws or treaties of the United States.” Dkt. 1. Mr. Smith’s petition also did not comply with Rule 2(d) of the Section 2254 Rules, which provides that “[t]he petition must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule.”

The Court provided Mr. Smith with a copy of the 28 U.S.C. § 2254 habeas corpus petition form. The Court ordered Mr. Smith to submit a petition that substantially complied with the Section 2254 Rules by January 21, 2020, and to pay his filing fee or submit a current trust fund

account statement to support his petition to proceed *in forma pauperis* by January 23, 2020. Both those deadlines have passed without word from Mr. Smith. Accordingly, Mr. Smith's petition for habeas corpus **is dismissed** and final judgment shall issue.

SO ORDERED.

Date: 2/27/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

MYKEL EZRA SMITH
266297
MIAMI - CF
MIAMI CORRECTIONAL FACILITY
Electronic Service Participant – Court Only